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Please type a plus sign (+) inside this box → ☐PTO/SB/05 (03-01)
Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.

TSS-017 CN

First Inventor

Bell

Title

Bone Precursor Compositions

Express Mail Label No.

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 44]
(preferred arrangement set forth below)
- Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☐ Drawing(s) (35 U.S.C. 113) [Total Sheets]
5. Oath or Declaration [Total Pages 6]
- a. ☐ Newly executed (original or copy)
- b. ☒ Copy from a prior application (37 CFR 1.63 (d))
(for continuation/divisional with Box 18 completed)
- i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s)
named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO:Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
- a. ☐ Computer Readable Form (CRF)
- b. Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☐ paper
- c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☒ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure Statement (IDS)/PTO-1449 ☒ Copies of IDS Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☒ Other: see cover sheet

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)of prior application No.: 09, 369, 012

Prior application information:

Examiner Hope RobinsonGroup Art Unit 1653

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

Customer Number or Bar Code Label

(Insert Customer No. or Attach bar code label here)

or ☒

Correspondence address below

Name

Ellen Leonnig

Address

TEI Biosciences, Inc.

City

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Country

USA

Telephone

617-268-1616 (*Fax)

Name (Print/Type)

Ellen Leonnig

Registration No. (Attorney/Agent)

P-48,159

Signature

Ellen Leonnig

Date

5/29/01

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

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FEE TRANSMITTAL
for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

(\$) 1356

Complete if Known

Application Number	
Filing Date	
First Named Inventor	Bell
Examiner Name	Hope Robinson
Group Art Unit	11653
Attorney Docket No.	TSS-017CN

METHOD OF PAYMENT

- 1.
- ☐
- The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to.

Deposit Account Number	
Deposit Account Name	

☐ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17☐ Applicant claims small entity status. See 37 CFR 1.27

- 2.
- ☒
- Payment Enclosed:**

☒ Check ☐ Credit card ☐ Money Order ☐ Other**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Code	Small Entity Code	Fee (\$)	Fee Description	Fee Paid	
101	710	201	355	Utility filing fee	710
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	

SUBTOTAL (1) (\$) 710**2. EXTRA CLAIM FEES**

Total Claims	Extra Claims	Fee from below	Fee Paid
47	-20** = 27	18	486
5	-3** = 2	80	160

Large Entity Code	Small Entity Code	Fee (\$)	Fee Description	
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple dependent claim, if not paid
109	80	209	40	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 646

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Code	Small Entity Code	Fee (\$)	Fee Description	Fee Paid	
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 0**SUBMITTED BY**

Name (Print/Type)	Ellen Leonig
Signature	Ellen Leonig

Registration No.
(Attorney/Agent)

P-48,159

Complete (if applicable)

Telephone

617-268-1616(*217)

Date

5/29/01

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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Table 1. Demographic characteristics of the study population	
Age (years)	Mean (SD)
Male	55.2 (10.5)
Female	56.8 (11.2)
Marital status	
Married	78.5%
Single	12.5%
Divorced	5.0%
Widowed	4.0%
Education level	
High school or above	65.0%
Below high school	35.0%
Occupation	
Professional	25.0%
Managerial	15.0%
Technical	10.0%
Service	20.0%
Unemployed	30.0%
Health status	
Good	70.0%
Fair	20.0%
Poor	10.0%
Smoking status	
Smoker	35.0%
Non-smoker	65.0%
Alcohol consumption	
Regular	15.0%
Occasional	25.0%
Never	60.0%
Family size	
1-2	40.0%
3-4	35.0%
5 or more	25.0%
Income level	
Low	30.0%
Medium	45.0%
High	25.0%

DOCKET NUMBER	ANTICIPATED CLASSIFICATION:		PRIOR APPLICATION SERIAL NUMBER: 09/369,012	PRIOR APPLICATION FILING DATE: August 5, 1999
TSS-017CN	CLASS: 435	SUBCLASS:	EXAMINER: Hope Robinson	ART UNIT: 1653

Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" in an envelope addressed to: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231, on the date set forth below.

May 29, 2001

Date of Signature and of Mail Deposit

ET 014051869US

Express Mail Label Number

Ellen Leonnig
Ellen M. Leonnig
Att. San Joaquin Co.

By: Ellen M. Leonnig
Attorney for Applicant(s)

Dear Sir:

This is a request for filing a continuation application under 37 CFR 1.53(b), of pending prior application serial no. 09/369,012 filed on August 5, 1999, of Eugene Bell and Tracy M. Sioussat entitled BONE PRECURSOR COMPOSITIONS. The contents of all of the aforementioned application(s) are hereby incorporated by reference.

1. Enclosed is a copy of the latest inventor signed application, including the oath or declaration as originally filed. The copy of the enclosed papers is as follows:
- 44 page(s) of specification;
- 6 page(s) of information disclosure statement and supplemental information disclosure statement;
- 6 page(s) of declaration and previous powers of attorney; and
- 4 page(s) of amendments to claims;

I hereby verify that the attached papers are a true copy of the prior complete application serial no. 09/369,012 as originally filed on August 5, 1999.

e13901

2. The fee for filing this continuation application, as set forth in 37 CFR 1.16 is \$1,356.00; the fee was calculated as follows: \$710.00 is basic fee for a non-small-entity under 37 CFR 1.16(a); 160.00 is fee for 2 independent claims in excess of 3 under 37 CFR 1.16(b); and \$486.00 is fee for 27 claims in excess of 20 under 37 CFR 1.16(c).
3. A check in the amount of **\$1,356.00** is enclosed for payment of the filing fee.
4. Cancel in this application original **claims 11-14 and 17** before calculating the filing fee.
5. A preliminary amendment is enclosed.
6. Amend the specification by inserting before the first line the sentence: "This application is a continuation application of serial no. 09/369,012 filed on August 5, 1999. The contents of all of the aforementioned application(s) are hereby incorporated by reference."
7. The provisional application of the prior application, serial no. **60/095,627**, was assigned of record to **Tissue Engineering, Inc.** (Reel/Frame **9697/0318**). A copy of the document effecting applicant's change of name to **TEI Biosciences, Inc.** is enclosed.
8. The powers of attorney in the prior application were to **Thomas V. Smurzynski et al.** The previous powers of attorney were revoked, and a new power of attorney was executed. A copy of the change of power of attorney to **Ellen M. Leonnig** is enclosed.

09/369,012

- Enclosures